

REMARKS

Claims 21-30, and 32-38 are pending in the present application. Claims 1-11 were previously canceled, and claims 12-20 and 31 are canceled herein. Claims 32-38 have been added, and claims 21, 22, and 25 have been amended. No new matter has been added.

Applicants thank Examiner for allowance of claims 22 and 30. Claim 22 has been rewritten in independent form as new independent claim 32. Hence, claim 32 and dependent claims 33-38 are in condition for allowance.

Claims 29 and 31 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. In particular, the Office Action cites that there is no mention of a single layer of homogeneous material in the Original Application. Examiner suggests Applicants' paragraph [0079] does not support a single layer of homogeneous material. Applicants respectfully traverse this rejection.

Applicants respectfully request the Examiner to look at paragraph [0055] of the published specification (US 2008/0308898 A1) or page 13, lines 13-16 of the original specification.

Particularly advantageous material characteristics are achieved by a material with the overall formula $\text{Si}_{1.00}\text{O}_{1.90}\text{H}_{0.27}\text{C}_{0.045}\text{N}_{0.06}$. *Each of the index numbers (1.00, 1.90, etc.) in the stated overall formula may vary by twenty percent upwards or downwards, furthermore preferably by 10 percent, and even further preferably by 3 percent, without losing the advantageous characteristics of the material. (Emphasis added.)*

Therefore, the originally filed application recites a variety of species sufficient to constitute a genus. Applicants request Examiner to withdraw the rejection.

Claims 21 and 23-28 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Schindler, et al. (WO03/019649, hereinafter “Schindler”). Applicants respectfully traverse this rejection.

Claim 21, as currently amended, specifically recites “a single layer of homogenous material containing silicon, oxygen and nitrogen overlying the two electrically conductive structures.” Schindler does not teach or suggest a single layer of homogenous material containing silicon, oxygen and nitrogen. Rather, Schindler teaches individual layers of SiN sandwiched between individual layers of silicon dioxide. *See, e.g.*, Figure 12 of Schindler showing distinct layers 1202, 1204, and 1206 of SiN between distinct layers 1203, 1205, and 1207 of silicon dioxide. Hence, independent claim 21 is allowable.

Claims 22-28 depend from claim 21 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Claims 29 and 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schindler in view of Vogt, et al. (WO 2003/102264, hereinafter “Vogt”). Applicants respectfully traverse this rejection.

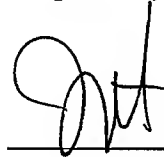
Claim 29 specifically recites “forming a single layer of homogenous material comprising silicon, oxygen, and nitrogen over a substrate that has a plurality of electrically conductive structures and/or over a part of a surface of the electrically conductive structures.” As described with respect to claim 21, Schindler does not teach or suggest this limitation. Vogt also does not teach or suggest this requirement. Hence, independent claim 29 is allowable.

Claim 30 depends from claim 29 and adds further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

In view of the above, Applicants respectfully submit that this response complies with 37 C.F.R. § 1.116. Applicants further submit that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicants' Attorney Ira S. Matsil at the number listed below. The Commissioner is hereby authorized to charge any fees that are due, or credit any overpayment, to Deposit Account No. 50-1065.

1/4/10
Date

Respectfully submitted,



Ira S. Matsil
Attorney for Applicants
Reg. No. 35,272

SLATER & MATSIL, L.L.P.
17950 Preston Rd., Suite 1000
Dallas, TX 75252
Tel: 972-732-1001
Fax: 972-732-9218